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REMARKS

Claims 1-34 are currently pending in the subject application and are presently under consideration. Claims 1-24, 29 and 33-34 have been amended herein for purposes of clarity. No new matter has been added. In addition, the amendments do not change the limitations of the claims and, thus, a new search is not required. A listing of all claims is at pages 2-8. Favorable consideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Claim Objections

Claims 22 and 23 stand objected to because of minor informalities. This objection should be withdrawn for at least the following reasons. Claims 22 and 23 have been amended herein, and it is believed that the amendments render this objection moot.

II. Rejection of Claims 1-3, 5-11 and 13- 34 Under 35 U.S.C. §102(b)

Claims 1-3, 5-11 and 13-34 stand rejected under 35 U.S.C. §102(b) as being anticipated by Castleman, *et al.* (US 5,508,691). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Castleman, *et al.* does not teach or suggest each and every element of the subject claims.

A single prior art reference anticipates a patent claim only if it expressly or inherently describes each and every limitation set forth in the patent claim. *Trintec Industries, Inc., v. Top-U.S.A. Corp.*, 295 F.3d 1292, 63 U.S.P.Q.2D 1597 (Fed. Cir. 2002). "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

The subject invention generally relates to controlling dangerous equipment *via* electronic data stored on an electronic key. Independent claims 1, 18, 23, 24, 29 and 33 recite similar limitations regarding employing an electronic key with *electronic key data* stored thereon, wherein *a data analyzer* is employed to analyze the electronic key data and *generate a control*

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data based on the analysis that can be utilized to control dangerous equipment. Castleman, *et al.* does not teach or suggest such claimed aspects. Instead, Castleman, *et al.* discloses an electronic lock that compares a received code from an electronic key with pre-stored codes within the lock to determine whether to open/close the lock or toggle a state on/off.

In particular, the claimed invention recites reading *electronic key data* from an electronic key. As disclosed in the subject application, electronic key data can include: key identifying information; key holder identity information; key holder medical information; key holder equipment access permissions; key holder equipment qualifications; key holder supervisor contact information; key holder security information, and key holder task. (See application, p.13, ll.3-8). Castleman, *et al.* does not teach or suggest employing such *electronic key data*, but instead merely discloses utilizing key codes wherein authorized codes permit a user to open/close a lock.

Moreover, the claimed invention recites that the above-noted electronic key data can be analyzed by a *data analyzer* to facilitate *generating control data*, which can be employed to control the operation of dangerous equipment. Castleman, *et al.* does not teach or suggest such data analysis or generation of a control data from such analysis, as recited in the subject claims. Rather, Castleman, *et al.* discloses reading a key code from an electronic key and comparing the code against one or more authorized codes that are pre-stored in an EEPROM(s) of an electronic lock in order to determine whether the read code is associated with a pre-stored master or slave code, or is an unauthorized code. A code associated with a pre-stored master code enables a user to save/erase the lock's EEPROM, as well as open/close the lock; a code associated with a pre-stored slave code provides the user with a mechanism that opens/closes the lock, and a code that does not have a corresponding pre-stored code is deemed unauthorized and will not operate the lock.

In view of the above, it is apparent that Castleman, *et al.* is directed towards electronic keys that are programmed with codes that provide open/close functionality within a lock and not data stored on an electronic key that can be analyzed and utilized to generate control data for dangerous equipment, as recited in the subject claims. Therefore, it is respectfully requested that this rejection of claim 1-3, 5-11 and 13-34 be withdrawn.

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III. Rejection of Claims 4 and 12 Under 35 U.S.C. §103(a)

Claims 4 and 12 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Castleman, *et al.* (US 5,508,691) in view of Mabuchi, *et al.* (US 6,417,760). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Castleman, *et al.* and Mabuchi, *et al.*, individually or in combination, do not teach or suggest all limitations of the subject claims.

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) *must teach or suggest all the claim limitations*. *In re Vaack*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). *See* MPEP §2143. (Emphasis added)

Claims 4 and 12 depend from independent claim 1, and Mabuchi *et al.* does not make up for the aforementioned deficiencies of Castleman, *et al.* regarding analyzing electronic key data obtained from an electronic key and employing the analysis to generate data utilized to control equipment. Instead, Mabuchi *et al.* discloses an apparatus for inspecting target equipment and displaying the inspection information.

Accordingly, this rejection of claims 4 and 12 should be withdrawn.

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CONCLUSION

The present application is believed to be in condition for allowance, in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063.

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,

AMIN & TUROCY, LLP



Himanshu S. Amin

Reg. No. 40,894

AMIN & TUROCY, LLP
24TH Floor, National City Center
1900 E. 9TH Street
Cleveland, Ohio 44114
Telephone (216) 696-8730
Facsimile (216) 696-8731

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